

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JOSEPH C. PEDALINE,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 4:05-cv-1813

THE HONORABLE JAMES S. GWIN

ORDER AND OPINION

[Resolving Doc. Nos. 1, 9]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 19, 2005, Petitioner Joseph C. Pedaline, a federal prisoner, filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. [Doc. 1.] The matter was referred to Magistrate Judge George J. Limbert for a Report and Recommendation. [Doc. 2.] On February 24, 2006, the magistrate recommended that the Court deny the Petitioner's motion. [Doc. 9.]

Parties must file any objections to a Report and Recommendation within ten days of service. Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation. Fed. R. Civ. P. 72(a); *see Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate's report without review. *Thomas*, 474 U.S. at 149.

In this case, neither party filed an objection to the Report and Recommendation. Therefore, the Court **ADOPTS** Magistrate Judge Limbert's Report and Recommendation and **DENIES** the Petition.

IT IS SO ORDERED.

Dated: April 24, 2006

s/ *James S. Gwin*

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE